

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KENNETH WILLIAM MAYLE,)
)
Plaintiff,)
) No. 18-CV-6211
v.)
) Judge Leinenweber
CHICAGO PARK DISTRICT, et al.,)
)
)
Defendants.)

**DEFENDANT CHICAGO PARK DISTRICT'S
MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

Defendant, the Chicago Park District ("the Park District" or "Defendant"), by and through its undersigned attorneys, pursuant to the Federal Rule of Civil Procedure 12(b)(6) respectfully moves this Honorable Court to dismiss Plaintiff's Complaint. In support of its motion, Defendant states as follows:

1. Plaintiff's Complaint alleges two (2) claims against the Park District: (1) Count I: Violation of Title II of the ADA and (2) Count IV: Violation of Plaintiff's First Amendment Right of Free Exercise of Religion and Religious Land Use and Institutionalized Persons Act, ("RLUIPA").

2. As to Plaintiff's claim in Count I, Plaintiff does not qualify as a disabled individual; even if Plaintiff is deemed qualified, he is not entitled to reasonable accommodation for his Guinea hog as the hog is not a service animal.

3. As to Plaintiff's claim in Count IV, the Park District's rules for animals in the parks do not target and were not created and/or enforced based on hostility to Plaintiff's claimed religion, Satanism, or to any other religion. Moreover, RLUIPA does not apply as the Park District did not

act due to any landmarking or zoning law and Plaintiff does not own any Park District property or hold a property interest in any Park District property.

4. Therefore, Plaintiff's claims fail to as a matter of law under F.R.C.P. 12(b)(6) and his Complaint should be dismissed.

5. In support of this motion, Defendant Park District has submitted a memorandum of law in support of this motion.

WHEREFORE, Defendant Park District respectfully requests this Honorable Court grant its motion to dismiss and grant any other relief this Court deems just and appropriate.

Date: February 1, 2019

Respectfully Submitted,

/s/Christina L. Rosenberg

Heather L. Keil - Senior Counsel
Christina L. Rosenberg - Counsel
Michael Alexandrou - Legal Intern
Chicago Park District
541 N. Fairbanks, 3rd Fl.
Chicago, IL 60611
312.742.4609 / 4720
312.742.5328 (fax)
Heather.Keil@chicagoparkdistrict.com
Christina.Rosenberg@chicagoparkdistrict.com
CPDlawnnotices@chicagoparkdistrict.com